

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>RACHEL FOSTER, <u>ET AL.</u>,</b>	:	
<b>Plaintiffs,</b>	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	<b>No. 18-4853</b>
<b>MOSHE ATTIAS, <u>ET AL.</u>,</b>	:	
<b>Defendants.</b>	:	
<b>MOSHE ATTIAS and MARION COURT, LLC,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	<b>NO. 19-866</b>
<b>532 BROOKLYN, LLC and ALAIN KODSI,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 12<sup>th</sup> day of May, 2023, upon consideration of **(1)** the Foster Parties’ Motion for Summary Judgment (Civ. A. No. 18-4853, Doc. No. 183; Civ. A. No. 19-866, Doc. No. 122) and the Attias Parties’ Response (Civ. A. No. 18-4853, Doc. No. 186; Civ. A. No. 19-866, Doc. No. 123), and **(2)** the Attias Parties’ Motion for Partial Summary Judgment (Civ. A. No. 18-4853, Doc. No. 182) and the Foster Parties’ Response (Civ. A. No. 18-4853, Doc. No. 185), it is hereby **ORDERED** that:

1. The Foster Parties’ Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART** as follows:
  - a. Summary judgment is **GRANTED** in favor of the Foster Parties on Count I of the Attias Amended Complaint.<sup>1</sup>

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<sup>1</sup> The “Attias Amended Complaint” refers to the operative complaint in Civil Action No. 19-866.

- b. Summary judgment is **GRANTED** in favor of the Foster Parties on Count III of the Attias Amended Complaint and Count I of the Attias Amended Counterclaim.<sup>2</sup>
  - c. Summary judgment is **GRANTED** in favor of the Foster Parties on Count IV of the Attias Amended Complaint.
  - d. Summary judgment is **GRANTED** in favor of the Foster Parties on Count V of the Attias Amended Complaint
  - e. Summary judgment is **DENIED** on Counts VII and VIII of the Attias Amended Complaint.
  - f. Summary judgment is **DENIED** to the extent the Foster Parties allege a failure to make Rule 26(a)(1)(A) disclosures.
  - g. Count VI of the Attias Amended Complaint is deemed voluntarily withdrawn based on the Attias Parties' representation.
2. The Attias Parties' Motion for Summary Judgment is **GRANTED IN PART** and **DENIED IN PART** as follows:
- a. Summary Judgment is **DENIED** on Counts I, VII, and VIII of the Attias Amended Complaint.
  - b. Summary Judgment is **GRANTED** on Counts I and II of the Foster Amended Complaint.<sup>3</sup>

**BY THE COURT:**

/s/ Mitchell S. Goldberg  
**MITCHELL S. GOLDBERG, J.**

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<sup>2</sup> The "Attias Amended Counterclaim" refers to the counterclaim complaint in Civil Action No. 18-4853.

<sup>3</sup> The "Foster Amended Complaint" refers to the operative complaint in Civil Action No. 19-1953.